

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Ward, Phillip T.

Serial No.: 10/678,378

Filed: 10/02/2003

CONCRETE FORMING PANEL WITH  
FLEXIBLE BARRIER

Docket No.: 30859-CNT1

Group Art Unit No.: 3635

Examiner: Nguyen, Chi Q

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321 TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Western Forms, Inc., the owner of the entire interest in the instant application as evidenced by an Assignment recorded at Reel 011723 Frame 0173, and of co-pending Application S.N. 10/677,793, as evidenced by the same Assignment, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent to issue on Application S.N. 10/677,793. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issuing on Application S.N. 10/677,793 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the owner, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent issuing on Application S.N. 10/677,793, as presently shortened by any terminal disclaimer, in the event that any patent issuing on Application S.N. 10/677,793 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A check in the amount of \$65.00 is enclosed. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to assignee's representative, Hovey Williams LLP, having a Deposit Account No. 19-0522.

The PTO did not receive the following  
listed item(s) check for \$65.00

Respectfully submitted,

By  \_\_\_\_\_  
Othello Evans, President  
WESTERN FORMS, INC.